**A REGULAR MEETING**
**OF THE WESLACO CITY COMMISSION**
**TUESDAY, NOVEMBER 20, 2018**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, November 20, 2018 at 5:30 PM for the purpose of discussing the following items:

**NOTE**: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

## I. CALL TO ORDER

A. Certification of Public Notice.
B. Invocation.
C. Pledge of Allegiance.
D. Mayoral recognition.
E. Roll Call.

## II. OTHER BUSINESS

A. Discussion and consideration to convene as the local canvassing authority to canvass the election returns and approve Resolution 2018-68 certifying the results of the November 6, 2018 City of Weslaco General Election in accordance with Texas Election Code 67.004(a). Possible action. (Staffed by City Secretary's Office.) Attachment

B. Conduct Oaths of Office and file Statements of Elected Officers.

C. Appointment of a Mayor Pro Tem in accordance with Resolution 2017-85 and authorizing the Mayor to execute any related documents. Possible action. (Staffed by the City Secretary's Office.) Attachment

## III. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

## IV. PUBLIC HEARING

A. To solicit input on behalf of Elizzondo Homes for a Conditional Use Permit to operate an Event Center at 616 E. 6th St., S 109.27'-W104' Lot 13 & N129.27'-W104' Lot Harding-Gills Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.)

B. To solicit input on behalf of Ricardo Tamez for a Conditional Use Permit for Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 260 S.Texas Blvd. Suite 105, also being a 98'x90' Tract, Block 18, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.)

C. To solicit input on behalf of Virginia Lozano to rezone 1611 Judi St. Also being Lot 1 & N1/2 of Lot 2 Blk 1 Sun Country Estates Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 Neighborhood business district (Staffed by Planning and Code Enforcement Department.)

D. To solicit input on behalf of Felipe Camacho to rezone 2416 E. Expressway 83. Also being proposed Lot 1, Camar Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway Business District. (Staffed by Planning and Code Enforcement Department.)

E. To solicit input on behalf of Heydis Sanchez to rezone 225 S. Pleasantview. Also being Lot 4 & Part of Lot 3 Rev. M. Perez Dream Acres Subdivision Weslaco, Hidalgo County, Texas from B-1 Neighborhood business district to R-1 One-family dwelling district. (Staffed by Planning and Code Enforcement Department.)

F. To solicit input on behalf of RGV PorVenir LLC to rezone 2318 E. Expressway 83. Also being 1.0560.57-S14.47,N20 AC acres tract out of Farm tract 17, West Tract Subdivision a/k/a Lot 13&14, Block 9, James Black Subdivision Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District. (Staffed by Planning and Code Enforcement Department.)

## V. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes of the Regular Meeting on November 6, 2018 (Staffed by City Secretary's Office.) Attachment.

B. Approval on second and final reading of the following:

1) Ordinance 2018-39, authorizing and allowing under the act governing the Texas Municipal Retirement System, "updated service credits" in said system for service performed by qualifying members of such system who presently are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the city; and establishing an effective date for such actions. (First reading held November 2, 2018; staffed by Finance Department.) Attachment

C. Authorization to solicit Requests for Proposals (RFP) to purchase the City Hall Commissioners' Chambers Audio and Video (A/V) System and professional installation services and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.)

D. Approval on the continuance on the Memorandum of Understanding with FBI Rio Grande Valley Safe Streets Task Force and Weslaco Police Department and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

E. Authorization to award RFB No. 2018-19-02 for the Rehab of the Water Tower located at 8th & Bridge St. to the most advantageous bidder, Maguire Iron, Inc., in the amount not to exceed $106,000.00 and authorize the Mayor to execute any related documents. (staffed by Public Works.) Attachment

F. Approval to Terminate Airport Ground Lease Agreements with Tenant Terry Barbee D/B/A WTB Trading Co., for Hangars W12, W13, W14, W26 and W28 and Approval of Mid Valley Airport Lease Agreements with Tenant Clifford Robert Gardner, Jr. for Hangers W12, W13, W14, W26 and W28 and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment

G. Approval of a Mid Valley Airport Ground Lease Agreement with Tenant Jerry Gifford for Hangar W8 and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment

## VI. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Elizzondo Homes to approve a Conditional Use Permit to operate an Event Center at 616 E. 6th St., S 109.27'-W104' Lot 13 & N129.27'-W104' Lot Harding-Gills Subdivision, Weslaco Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

B. Discussion and consideration after public hearing on behalf of Ricardo Tamez to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit at 260 S.Texas Blvd. Suite 105, Original Townsite Weslaco, Hidalgo County, Texas and authorize the Mayo to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

C. Discussion and consideration after public hearing on behalf of Virginia Lozano to approve Ordinance 2018-40 rezoning 1611 Judi St. Also being Lot 1 & N1/2 of Lot 2, Block 1, Sun Country Estates Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 Neighborhood business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-40. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

D. Discussion and consideration after public hearing on behalf of Felipe Camacho to approve Ordinance 2018-41 rezoning 2416 E. Expressway 83. Also being proposed Lot 1, Camar Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business District and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-41. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

E. Discussion and consideration after public hearing on behalf of Heydis Sanchez to approve Ordinance 2018-42 rezoning 225 S. Pleasantview. Also being Lot 4 & Part of Lot 3 Rev. M. Perez Dream Acres Subdivision Weslaco, Hidalgo County, Texas from B-1 Neighborhood business district to R-1 One-family dwelling district and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-42. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

F. Discussion and consideration after public hearing on behalf of RGV PorVenir LLC to approve Ordinance 2018-43 rezoning 2318 E. Expressway 83. Also being 1.0560.57-S14.47,N20 AC acres tract out of Farm tract 17, West Tract Subdivision a/k/a Lot 13&14, Block 9, James Black Subdivision Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-43. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

G. Discussion and consideration to approve Ordinance 2018-44, the Voluntary Annexation of the 5.153 acres, Weslaco, Hidalgo County, Texas. Approximately 500 ft. North of the intersection of Mile 6 ½ W & W. Expressway 83 on the east side and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-44. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

H. Discussion and consideration to approve the Single lot Variance for Quick Lane Payne Subdivision– being a 1.056 acres out of Farm Tract 17, West Tract Subdivision,a/k/a Lot 13&14, Block 9, James Black Subdivision Weslaco, Hidalgo County, Texas. Approximately 620 ft. West of N Pleasantview Dr. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

I. Discussion and consideration authorizing City staff to dig out Time Capsule located in front of Porter P. Doss Building at 515 S. Kansas Ave. on December 5, 2018 and display at Weslaco Museum until December 11, 2018 in celebration of Weslaco's 100th Birthday, authorize street closure of 5th St from Texas Blvd. to S. Missouri Ave. to include four parking spaces in front of the Weslaco Museum, waive all associated fees as appropriate; and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Parks and Recreation Department.) Attachment

J. Discussion and authorization for city staff to install Weslaco 100th Celebration Banners on Texas Blvd. from Expressway 83 to 6th Street and display for one year from January 2019 until after December 10, 2019. Possible Action. (Staffed by Parks and Recreation Department) Attachment

K. Discussion and consideration to extend the Inframark annual agreement to one year for an annual increase capped at 3.2% and authorize the Mayor to execute any related documents. Possible action (Requested by Inframark) Attachment

L. Discussion and consideration to select a committee to evaluate Request for Qualifications No. 2018-19-03 Architectural Design Services for North Side Sports Complex and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Airport.)

M. Discussion and consideration to accept and award bid for a F-250 4x4 crew cab gas and a F-550 4x4 gas chassis to replace a 2004 Expedition2018 and a 2008 F-550 Brush truck chassis under the apparatus replacement program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department). Attachment

N. Discussion and consideration on drainage improvements in the area of the 500 to 800 Block of West 15th Street and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioner Kerr and Commissioner Muñoz.) Attachment

O. Discussion and consideration approving budget and project list utilizing the $4,000,000 Certificates of Obligation Series 2018 for drainage improvements and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment

## VII. REPORTS

A. Report by Weslaco Area Chamber of Commerce.
B. Report by Economic Development Corporation of Weslaco.
C. Report by Planning and Code Enforcement.
D. Report by Inframark.
E. Report by Public Works.
F. Report Parks and Recreation

## VIII. EXECUTIVE SESSION

*Texas Government Code, Section 551 Open Meetings:*

*§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

*§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier or fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

C. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.

D. Legal Consultation - Seek City Attorney opinion relating to breach of contract by Accela and consider authorizing City Attorney to proceed with legal action as authorized by §551.071 of the Texas Government Code.

E. Real Property – Consultation with City Attorney on the purchase of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as authorized by §551.072 of the Texas Local Government Code.

F. Real Property – Consultation with City Attorney on the purchase of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.

## IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

## X. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 16th day of November 2018 at 4:30 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Adelaida Vega, Interim City Secretary

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

*Regular Meetings of the Weslaco City Commission stream live online at http://www.weslacotx.gov/open-government/open-meetings. Archived video of some meetings are also available.*

| **Removed from Bulletin Board** | Date: | Initials: |
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